

## **REMARKS**

Claims 1-14, 16 and 18 are now pending in the application. Claims 1, 5, 7, 8, 12, and 14 are currently amended. Claims 15 and 17 are cancelled by this amendment. No claims are newly added. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 101**

Claims 15 and 17 stand rejected under 35 U.S.C. § 101 because they claim a computer program which is non-statutory. This rejection is respectfully traversed. Claims 15 and 17 have been canceled from the application, thereby rendering the rejection moot.

### **REJECTION UNDER 35 U.S.C. § 112**

Claim 1 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

Applicant has amended this claim to address the Examiner's concern. Therefore, reconsideration and withdrawal of this rejection are respectfully requested.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1, 3-8, 10-14, 16, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kimata (CIT 2004, IEEE; "Kimata") in view of Puri (Signal

Processing Image Communication 2, 1990, pp. 127-144; "Puri"). This rejection is respectfully traversed.

Kimata relates generally to a video system that enables the user to change his/her view point. The Examiner concedes that this reference fails to disclose whether or not encoded data for each image belong to a group of pictures (GOP) is output. The Examiner relies upon the Puri reference to teach this feature. Of note, the Examiner states that it would have been obvious to modify Kimata by incorporating selectively encoding the image belonging to a given GOP based on the significance of interpolation error. Applicant respectfully disagrees with this assertion.

Puri relates generally to video coding with motion-compensated interpolation. Puri teaches selection of encoding/non-encoding of additional information (i.e., interpolation error) about a frame. Puri does not teach whether or not the frame itself is to be encoded. Neither of the applied references teaches nor suggests determining whether or not each image is to be encoded as recited in applicant's claimed invention. Even if the teachings of these references are combined, the combined teachings fail to yield applicant's invention. For at least this reason, a prime facie case of obviousness has not been established and the previously pending claims define patentable subject matter over this combination of references.

Nonetheless, applicant has amended the pending claims to clarify this aspect of the present invention. Specifically, claims have been amended to recite that whether or not each image belonging to a given GOP is to be encoded is based on a determination whether the relevant image can be generated on the decoding side without using encoded data of this image. In this way, the image encoding side can relatively control

whether a video image is to be encoded, thereby improving the encoding efficiency. This feature is absent from both of the relied upon references. Therefore, it is respectfully submitted that the pending claims define patentable subject matter over the applied combination of references. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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